

APPEAL NO. 021188
FILED JULY 1, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 11, 2002. The hearing officer determined that the appellant's (claimant) compensable injury of _____, does not extend to and/or include his right shoulder or cervical spine, and that he sustained disability on _____ and _____, and from January 10 through January 14, 2002. The claimant appealed, arguing that the hearing officer erred in determining extent of injury, and disagreeing with the disability determination. The file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

The hearing officer did not err in reaching the complained-of determinations. The issues of extent of injury and disability involved questions of fact for the hearing officer to resolve. The evidence was conflicting. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750
AUSTIN, TEXAS 78701.**

Michael B. McShane
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Roy L. Warren
Appeals Judge